

REMARKS

Claims 1, 4-11, 14-21 and 24-35 were examined in the Final Office Action dated October 3, 2007 (hereafter "Second Final Office Action"). All the claims were rejected.

By virtue of this response, claims 1, 8, 29-32 and 34 are sought to be amended, new claims 36-39 are sought to be added, and claims 7, 9, 10 and 17 are sought to be canceled. The amendments, additions and cancellations are believed not to introduce new matter and their entry is respectfully requested. The amendments, additions and cancellations are made without prejudice or disclaimer.

Claims 1, 4-6, 8, 11, 14-16, 18-21, 24-39 are thus presented for reconsideration further in view of the below remarks.

Claim Objections/Rejections Under 35 U.S.C. § 112

Applicants first like to thank the examiner for withdrawing the objections and rejections under 35 U.S.C. § 112 raised in the previous office action, and noting the same in the Second Final Office Action.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-6, 9-11, 14-16, 19-21, 24-26, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ernst et al. (U.S. PG PUB 2004/0103215) in view of Kiel et al (U. S. Patent 5,276,898), and in view of Tracton et al (U.S. Patent 6,832,241).

Without acquiescing with any of the contentions in the office actions, it is submitted that the presented claims are allowable over the art of record, at least for reasons noted below.

In particular, independent claim 11 is allowable in reciting, among other features, "wherein said determining checks ***a processing load in a previous time duration on said second end system***, and determines not to send said data in said compressed format if the processing load ... is determined to be more than a first threshold." (***Emphasis Added***)

The Examiner appears to concede that the emphasized feature of above is not disclosed in any of the references of record individually.

In stead the Examiner relies on Kiel for the feature of "determining a processing load in a previous time duration", while admitting that neither Kiel nor Ernst teaches such a feature being implemented on the claimed second end system.

The Examiner then relies on Tracton to teach in isolation the determination of some other parameters (in particular raw horsepower, etc.) in the second end system. The Examiner again appears to concede that Tracton in isolation does not teach the determination of the processing load in a previous time duration on the claimed second system.

From the above, the Examiner clearly admits that each reference in isolation has at least a partial deficiency in anticipating claim 11, but relies on the combined teachings of the three references to reject the claim under 35 U.S.C. § 103(a).

The Examiner then merely asserts that Tracton would have allowed for Ernst's and Kiel's to provide a method for a server to accurately determine the client capability in order to tailor output of the server to meet those client capabilities.

It is Applicant's position that the Examiner is using impermissible hindsight gleaned only from the Applicant's disclosure, in combining the references as in the invention of claim 11.

Nowhere in the art of record is there a reasonable suggestion that processing load in a previous time duration on a remote system is used in determining whether or not to compress data in a local system prior to transmission to the remote system.

Without the benefit of the Applicant's disclosure, there is no evidence that a skilled practitioner would have been impelled to modify the teachings in one reference (relied upon by the Examiner) based on the teachings of another reference, in a way to implement the

features of claim 11.

Claim 11 is accordingly allowable over the art of record.

Claims 14-20, 32 and 33 depend from claim 11 and allowable at least for the reasons noted above with respect to claim 11.

5 Currently amended claim 32 is independently allowable at least in reciting that the processing load (on a second/remote system) in previous time duration is checked at multiple time instances and that the determined load is used in deciding whether or not to compress data in a first/local system.

10 In sharp contrast, the techniques of Tracton merely rely upon parameters (such a processor clock speed, processor type/architecture type, etc., as shown in Figure 6 of Tracton) which do not change and are also described as being determined *only a single time* (as shown in Figure 5 of Tracton).

15 Accordingly, it is submitted that Tracton relies upon an alternative technique, which teaches away from the claimed invention. In addition, Tracton would not have any motivation to check the various parameters at multiple time instances, and as such the combination of Tracton, Ernst and Kiel would not render obvious the invention of claim 32. Thus, claim 32 is allowable independently over the art of record.

Claims 21, 24-29, 34 and 35 are also allowable over the art of record for at least some of the reasons noted above.

20 Claim 29 is independently allowable over the art of record in expressly reciting that the claimed compression related techniques are employed with respect to data transferred from a database server to a database client.

Currently amended claim 1 is also allowable over the art of record at least in reciting

one of:

(A) that the data transfer is from a database client to a database server, which operates based on 'structured queries' (such as SQL, well known in the relevant arts) and

(B) the data (to be compressed or not) is contained in a database query to be sent to the database server.

The Examiner, at least in rejecting claim 9, relies on Wollowitz (United States Patent Application 20040143650) for teaching the claimed database server and database client. As a threshold matter, it is noted that Wollowitz does not teach (A) above and merely teaches a sender's computer sending data (with and without compression) to a file delivery server.

Furthermore, none of the references is believed to specifically apply compression to data sent in database queries.

Currently amended independent claim 1 is accordingly believed to be allowable over the art of record. Claims 4-8, 30 and 31 depend on claim 1 and are thus allowable at least for reasons noted above with respect to claim 1. Currently amended claim 30 is independently allowable at least for some of the reasons noted above with respect to claim 32.

New claim 36 is allowable over the art of record in reciting a specific internal approach to sending data in a database query from a second end system to a database server. New claims 37-39 depend from claim 36 and are allowable at least for the reasons noted with respect to claim 36.

New claim 39 is independently allowable in reciting that the techniques are applied in the context of transfer of data between two database servers.

Conclusion

All the rejections are thus believed to have been overcome. Withdrawal of the outstanding rejections, and continuation of examination is respectfully requested. The Examiner is invited to telephone the undersigned representative if it is believed that an
5 interview might be useful for any reason.

Respectfully submitted,

/Narendra Reddy Thappeta/

Signature

Printed Name: Narendra Reddy Thappeta

Attorney for Applicant

Registration Number: 41,416

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